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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 10/757,796

Filing Date 1/13/2004

First Named Inventor Jon C. Taenzer

Art Unit 2643

Examiner Name unassigned

Attorney Docket Number 035372-003

**ENCLOSURES (check all that apply)**☐ Fee Transmittal Form☐ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Reply to Missing Parts/  
Incomplete Application☐ Reply to Missing Parts  
under 37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a  
Provisional Application☐ Power of Attorney, Revocation  
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) \_\_\_\_\_☐ Landscape Table on CD☐ After Allowance Communication to TC☐ Appeal Communication to Board  
of Appeals and Interferences☐ Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s)  
(please identify below):request to correct filing receipt; copy of  
receipt showing changes; copy of  
declaration; postcard**Remarks****SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm

Thelen Reid &amp; Priest LLP

Signature

Printed Name

Robert E. Krebs

Date

May 10, 2005

Reg.  
No.

25,885

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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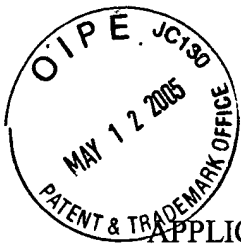
Annette Valdivia

Date

5/10/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Jon C. Taenzer, et al.  
SERIAL NO.: 10/757,796  
FILING DATE: January 13, 2004  
TITLE: Earset Assembly  
EXAMINER: unassigned  
ART UNIT: 2643

Confirmation No.: 5451

**CERTIFICATE OF MAILING**

I hereby certify that this paper is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Office of Initial Patent Examination's Filing Receipt Corrections, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313- 1450, on the date printed below:

Date: 5/10/05

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Annette Valdivia

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COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**REQUEST TO CORRECT FILING RECEIPT**

It is respectfully submitted that the Filing Receipt for the above-identified patent application has an error. Please correct the Filing Receipt to reflect the following corrections:

1) The **residence for inventor Donald R. Saleh is Ventura California.** 2) The Assignment for Published Patent Application should read **STEP Communications Corporation** not STEP Communications. Please amend the Filing Receipt to reflect this information. A copy of the filing receipt showing the requested changes is enclosed.

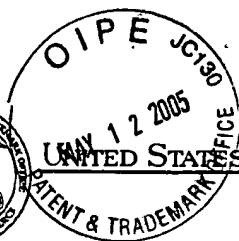
The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1698.

Respectfully submitted,  
THELEN REID & PRIEST LLP

Dated: May 10, 2005

THELEN REID & PRIEST LLP  
P.O. Box 640640  
San Jose, CA 95164-0640  
Phone: (408) 292-5800  
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Robert E. Krebs  
Robert E. Krebs, reg. no. 25,885

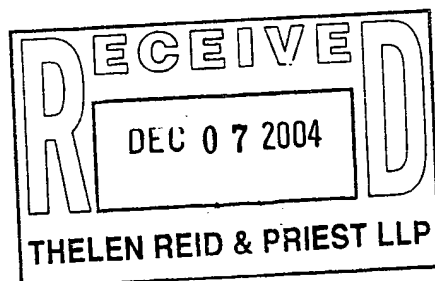


## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/757,796	01/13/2004	2643	504	035372-003	12	26	3

Robert E. Krebs  
Thelen Reid & Priest LLP  
P.O. Box 640640  
San Jose, CA 95164-0640



CONFIRMATION NO. 5451  
UPDATED FILING RECEIPT



\*OC000000014667796\*

Date Mailed: 12/03/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Jon C. Taenzer, Los Altos, CA;  
Thanh Q. Nguyen, Irving, TX;  
Donald R. Saleh, ~~Residence Not Provided~~, *Ventura California*

## Assignment For Published Patent Application

~~STEP Communications~~, a Nevada Corporation

*STEP Communications Corporation*

## Power of Attorney:

Robert Krebs-25885  
Hal Bohner-27856  
Khaled Shami-38745  
John Schaub-42125  
William Winters-42232

Marc Hanish-42626  
Adrienne Yeung-44000  
Thierry Lo-49097  
Yukiko Maekawa-50307

## Domestic Priority data as claimed by applicant

## Foreign Applications

If Required, Foreign Filing License Granted: 04/21/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/757,796**

Reviewed By: mp Date: 3/31/05

No Action Required:

Action Required: ☒ Should have

*Saleh's residence . AS should .  
read STEP Communications Corporation*

Mail log DEC 14 2004

CPI DEC 14 2004

Excel DEC 14 2004 Date DEC 14 2004

**Projected Publication Date:** Request for Non-Publication Acknowledged

**Non-Publication Request:** Yes

**Early Publication Request:** No

**\*\* SMALL ENTITY \*\***

**Title**

Earset assembly

**Preliminary Class**

381

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

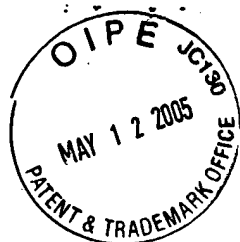
The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



Docket No. 035372-003

**DECLARATION & POWER OF ATTORNEY**

As a below-named inventor, I hereby declare that:

My correct city and state of residence, my post office address and my citizenship are stated below next to my name.

I believe myself to be the original, first and sole inventor (if only one name is listed below) or an original and first joint inventor (if more than one name is listed below) of the subject matter which is disclosed and claimed and for which a patent is sought on the invention entitled:

**"Earsset Assembly"**

The specification of this subject matter:

☐ is attached hereto.

☒ was filed on January 13, 2004;

was assigned serial No. 10/757,796;

which was amended on \_\_\_\_\_;

I hereby state that I have reviewed and understand the contents of the above-identified patent application, including the claims, as amended by any amendment(s) referred to above. I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. §1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

**PRIOR FOREIGN APPLICATION(S)****Priority Claimed**

Number	Country	Month/Day/Year Filed	Yes	No
Number	Country	Month/Day/Year Filed	Yes	No
Number	Country	Month/Day/Year Filed	Yes	No

Docket No. 035372-003

**PROVISIONAL PATENT APPLICATION(S)**

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

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Application NumberFiling Date

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**PARENT PATENT APPLICATION(S)**

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in these prior United States application(s) in the manner provided by 35 U.S.C. §112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

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Application No.

Filing Date

Status (Issued, Pending, Abandoned)

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Application No.

Filing Date

Status (Issued, Pending, Abandoned)

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Application No.

Filing Date

Status (Issued, Pending, Abandoned)

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Application No.

Filing Date

Status (Issued, Pending, Abandoned)

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I hereby appoint David B. Ritchie, Registration No. 31,562; Robert E. Krebs, Registration No. 25,885; Marc S. Hanish, Registration No. 42,626; John P. Schaub, Registration No. 42,125; Adrienne Yeung, Registration No. 44,000; Steven J. Robbins, Registration No. 40,299; Thierry K. Lo, Registration No. 49,097; William Samuel Niece, Registration No.: 47,824; Khaled Shami Registration No. 38,745; William E. Winters, Registration No. 42,232, Masako Ando, (37 C.F.R. §10.9 (b)); Yukiko Maekawa Registration No. 50,307 and John Klaas Uilkema, Registration No. 20,282; Becky L. Troutman, Registration No. 36,703; Hal J. Bohner, Registration No. 27,856; as attorneys of record with full power of substitution and revocation, to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith. If this application is assigned by me I agree and understand that the above-named attorneys will represent the assignee and not me.

Please send all correspondence and direct all telephone calls to:

Robert E. Krebs  
Thelen Reid & Priest LLP  
P.O. Box 640640  
San Jose, CA 95164-0640  
Telephone: (408) 292-5800  
Facsimile: (408) 287-8040

I, the undersigned, declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Docket No. 035372-003

FULL NAME OF FIRST Name INVENTOR 1	MIDDLE Initial(s)	LAST Name
<u>Jon</u>	<u>C.</u>	<u>Taenzer</u>
RESIDENCE AND CITIZENSHIP	City	State or Foreign Country Country of Citizenship

<u>Los Altos</u>	<u>CA</u>	<u>USA</u>
POST OFFICE ADDRESS	Number and Street	City
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		<u>94022</u>

FULL NAME OF Second Name INVENTOR 2	MIDDLE Initial(s)	LAST Name
<u>Thanh</u>	<u>Q.</u>	<u>Nguyen</u>
RESIDENCE AND CITIZENSHIP	City	State or Foreign Country Country of Citizenship

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POST OFFICE ADDRESS	Number and Street	City
<u>1140 Lakeway Dr.</u>	<u>Irving</u>	<u>TX</u>
		<u>75060</u>

FULL NAME OF Third Name INVENTOR 3	MIDDLE Initial(s)	LAST Name
<u>Donald</u>	<u>R.</u>	<u>Saleh</u>
RESIDENCE AND CITIZENSHIP	City	State or Foreign Country Country of Citizenship

<u>USA</u>		
POST OFFICE ADDRESS	Number and Street	City
		<u>USA</u>
		<u>Zip Code</u>

I further declare that all statements made herein of my own knowledge are true and that all statements made upon information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under

Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

  
Jon C. Taenzer

Date

Sept. 2, 2004

Thanh Q. Nguyen

Date

Donald R. Saleh

Date

Docket No. 035372-003

<b>FULL NAME OF FIRST Name</b>	<b>MIDDLE Initial(s)</b>	<b>LAST Name</b>
<b>INVENTOR 1</b>		
Jon	C.	Taenzer
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<b>ADDRESS</b>		<b>Zip Code</b>
1140 Lakeway Dr.	Irving	TX
		75060

<b>FULL NAME OF Third Name</b>	<b>MIDDLE Initial(s)</b>	<b>LAST Name</b>
<b>INVENTOR 3</b>		
Donald	R.	Saleh
<b>RESIDENCE AND CITY</b>	<b>State or Foreign Country</b>	<b>Country of Citizenship</b>
		USA
<b>POST OFFICE Number and Street</b>	<b>City</b>	<b>State or Country</b>
<b>ADDRESS</b>		<b>Zip Code</b>

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Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Jon C. Taenzer

Date



Date

11/19/04

Thanh Q. Nguyen

Donald R. Saleh

Date



Docket No. 035372-003

<b>FULL NAME OF FIRST Name</b>	<b>MIDDLE Initial(s)</b>	<b>LAST Name</b>
<b>INVENTOR 1</b>		
Jon	C.	Taenzer
<b>RESIDENCE AND CITY</b>	<b>State or Foreign Country</b>	<b>Country of Citizenship</b>

<b>POST OFFICE ADDRESS</b>	<b>Number and Street</b>	<b>City</b>	<b>State or Country</b>	<b>Zip Code</b>
	888 Laverne Way	Los Altos	CA	94022

<b>FULL NAME OF Second Name</b>	<b>MIDDLE Initial(s)</b>	<b>LAST Name</b>
<b>INVENTOR 2</b>		
Thanh	Q.	Nguyen
<b>RESIDENCE AND CITY</b>	<b>State or Foreign Country</b>	<b>Country of Citizenship</b>

<b>POST OFFICE ADDRESS</b>	<b>Number and Street</b>	<b>City</b>	<b>State or Country</b>	<b>Zip Code</b>
	1140 Lakeway Dr.	Irving	TX	75060

<b>FULL NAME OF Third Name</b>	<b>MIDDLE Initial(s)</b>	<b>LAST Name</b>		
<b>INVENTOR 3</b>				
Donald	R.	Saleh		
<b>RESIDENCE AND CITY</b>	<b>State or Foreign Country</b>	<b>Country of Citizenship</b>		
	5834 Santa Lucia Ct	Ventura	USA	93003
<b>POST OFFICE ADDRESS</b>	<b>Number and Street</b>	<b>City</b>	<b>State or Country</b>	<b>Zip Code</b>

I further declare that all statements made herein of my own knowledge are true and that all statements made upon information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under

Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Jon C. Taenzer \_\_\_\_\_ Date \_\_\_\_\_

Thanh Q. Nguyen \_\_\_\_\_ Date \_\_\_\_\_

Donald R. Saleh \_\_\_\_\_ Date 11-22-04

Docket No. 035372-003

**37 C.F.R. §1.56****Duty to disclose information material to patentability**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any materi

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.